

PY P9768.4 no.2 1913

CIRCULAR No. 2

RULES OF PRACTICE

BEFORE THE

PUBLIC SERVICE COMMISSION

OF THE

COMMONWEALTH OF PENNSYLVANIA

Adopted and Prescribed by the Commission

DECEMBER 2, 1913

HARRISBURG, PA.:

WM. STANLEY RAY, STATE PRINTER
1913

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RULES OF PRACTICE AND PROCEDURE

THE PUBLIC SERVICE COMMISSION

OF THE

COMMONWEALTH OF PENNSYLVANIA

RULE 1.

Principal Office.

The principal office of the Commission shall be in the Capitol Building in the City of Harrisburg, and shall be open for business between the hours of 9 A. M. and 5 P. M. every day, legal holidays and Sundays excepted.

RULE 2.

Sessions and Meetings of Commission.

The stated meetings of the Commission will be held in the office of the Commission in the Capitol, in the City of Harrisburg, on the *first* and the *third Tuesday* of every month, holidays excepted.

Sessions and meetings of the Commission may be held at any time and at any place in the Commonwealth, whenever, in the judgment of the Commission the public necessity or convenience may require.

RULE 3.

Information.

The Secretary of the Commission will, upon request, advise as to the form of complaint, petition, answer or other documents necessary to be filed in any proceeding before the Commission, and furnish such other information to the public and to public service companies as may, from time to time, be directed by the Commission.

RULE 4.

Miscellaneous.

(a) All complaints and all petitions and answers in any proceeding or applications in relation thereto, and all letters and telegrams, or other communications, to the Commission, must be addressed "The Public Service Commission of the Commonwealth of Pennsylvania," at Harrisburg, Pennsylvania, unless otherwise specially directed.

(b) The Secretary shall assign to each formal proceeding a year and number, which the parties shall, before filing, place on all subsequent papers in such proceeding.

(c) Any party to a proceeding may appear before the Commission and be heard in person or by attorney.

RULE 5.

Complaints.

No particular form of complaint is required, except that, as provided in the Public Service Company Law, it must be by petition, in writing, duly verified by the affidavit of the complainant, and shall contain a concise statement of all the material facts upon which the complaint is founded.

Said complaint must also set forth the name and post office address of the public service company complained against, the full name and post office address of the complainant, with the full name and address of the attorney or counsel, if any, of such complainant.

If a violation of any statute, or of a ruling or order of the Commission, is complained of, attention should be called to the section of the statute or the particular ruling or order of the Commission.

At the time of the filing of any complaint, or of any petition, application or other communication, invoking the jurisdiction of the Commission, there shall be filed with the original, for the use of the Commission and of the adverse party or parties, if desired, copies thereof, equal in number to three copies for each party to the record.

A copy of the complaint will be forwarded by the Commission to each of the public service companies complained of, by registered mail, accompanied by a notice from the Commission, calling upon the public service company or companies complained of to satisfy the complaint, or to answer the same in writing, within fifteen days, or within such other time, greater or less than fifteen days, as in the judgment of the Commission, the circumstances of the case may require.

All papers filed with the Commission shall be written on one side of the sheet only.

RULE 6.**Satisfaction of Complaint and Answer.**

The public service company or companies complained of shall satisfy the complaint, or make answer thereto, within the time specified in said notice. If the complaint is satisfied, both the complainant and the respondent shall notify the Commission thereof promptly, and give the manner or terms of such satisfaction.

In such event the Commission may dismiss the complaint and make a record thereof and no further action need be taken.

RULE 7.**Answers.**

The original answer of the public service company or companies complained of must be verified by affidavit and filed with the Commission, and must specifically admit or deny the material allegations of the complaint. If any or all of the allegations of the complaint are denied, the answer must set forth the facts as they are claimed to be by the party answering.

Copies of said answer, equal in number to three copies for each party to the record, shall be filed with the original, with the Commission, for the use of the Commission, and the adverse party or parties, and one copy shall be served by the Commission on the adverse party by registered mail.

RULE 8.**Hearings upon Complaint.**

If satisfaction of the complaint be not made, as aforesaid, then after the expiration of the time allowed for answer, and whether the answer has been filed or not, the Commission will determine, from a consideration of the complaint and answer, or otherwise, whether reasonable ground exists for investigating said complaint, and if, in the judgment of the Commission, such reasonable ground exists, then it shall fix a time and place for a hearing and investigate the matter complained of.

Notice of the time and place of such hearing shall be given to the complainant and to the public service company or companies complained against, by registered mail, and the proceedings thereafter will be in accordance with these rules and as the Commission shall from time to time direct.

The cost of, or in connection with, any hearing had upon any complaint, found by the Commission to be without reasonable foundation and made improvidently or from improper motives, will be placed upon the complainant.

RULE 9.**Practice on Hearings.**

The complainant must, in all cases, establish the facts alleged to constitute a violation of the law, unless the respondent admits the same, or fails to answer the complaint, except that where the complaint alleges the violation of a lawful determination, ruling or order of the Commission, the burden of proof shall be upon the public service company complained of to show that such determination, ruling or order has been complied with. The respondent must also give evidence of the facts alleged in the answer unless admitted by the complainant, and must fully disclose its defense at the hearing.

Witnesses will be examined orally before the Commission, unless the facts be agreed upon in writing. The testimony will be taken down by the stenographer, and a full and complete record kept of all such proceedings before the Commission or any Commissioner. In case of failure to answer, or to serve notice in nature of demurrer hereafter mentioned, the Commission will take such proof of the facts as may be deemed proper and reasonable, and make such finding, determination and order thereon as the circumstances of the case appear to require.

RULE 10.**Notice in Nature of Demurrer.**

Any public service company or companies complained against deeming the complaint insufficient to show a breach of legal duty may, instead of answering or formally demurring, serve on the complainant and on the Commission its claim of such insufficiency, and in such case the facts stated in the complaint will be deemed to be admitted.

Upon receiving such notice the complainant shall make such reply thereto as he may desire, and serve a copy thereof on the respondent and file a copy with the Commission, and thereupon the Commission will determine the legality of the complaint and notify the parties of such decision, and whether any further action is deemed proper or necessary.

Said notice in nature of demurrer must be filed and served by the respondent within fifteen days of the service of the complaint, and said reply of the complainant, if any, must be filed and served within a like period after the notice is served.

RULE 11.**Investigation by Commission on its own Motion.**

The Commission may, at any time, of its own motion, make investigations and order hearings as to any act or thing done, or

omitted to be done, by any public service company which to the Commission seems to be in violation of any provision of law, or of any order or rule of the Commission.

RULE 12.

Finding, Determination or Order.

After hearing by the Commission, a written finding, determination or order shall be made by it, either dismissing the complaint or directing the public service company or companies complained of to satisfy the cause of complaint, in the manner specified by the Commission and authorized by law.

The Commission shall likewise make and file a written finding, determination or order in all hearings or investigations instituted on its own motion.

Such final determination or order shall be filed of record by the Commission and a copy thereof served on the parties entitled thereto, as required by law.

RULE 13.

Re-Hearings.

Applications for re-hearings shall be by petition verified by affidavit which must be filed within fifteen days after the service of the order of the Commission, or within fifteen days after the delivery, by registered mail, of the notice of the finding, or determination, of the Commission.

Notice of such petition shall be served by the petitioner on each party to the proceedings before the Commission, by mailing by registered mail to said party a copy of said petition.

If said petition is granted, notice of the time and place of the re-hearing will be given by the Commission to each party to the record, by registered mail.

Said petitions for re-hearing shall state specifically the grounds upon which the application is based. If the application is to reopen the case for further evidence, the nature and purpose of the evidence and the reason why it was not adduced on the original hearing must be stated, and the same must not be cumulative merely. If the application alleges error in findings of fact or conclusions of law the alleged error must be particularly stated with the specific grounds for the allegation of error.

When any decision, order or requirement of the Commission is sought to be rescinded, changed or modified, by reason of facts and circumstances arising subsequent to the hearing, or to the order, or by reason of consequences resulting from compliance with such finding, order or requirement, which are claimed to justify or entitle a rescission, change or modification thereof, such facts and circumstances or consequences must be fully set forth in the petition.

Such petitions shall conform to the requirements hereinafter stated in *Rule 23*, as applicable to all petitions filed with the Commission.

RULE 14.

Amendments.

Amendments to any complaint, petition, answer or other paper filed in any proceeding or investigation may be allowed by the Commission, in its discretion.

RULE 15.

Adjournments and Extensions of Time.

Adjournments and extensions of time may, in the discretion of the Commission, be granted upon the application of any party. Applications for extension of time of hearing shall be accompanied by an affidavit showing a necessity therefor.

RULE 16.

Stipulations.

The parties to any hearing, investigation or other proceeding before the Commission, may, by stipulation, in writing, filed with the Commission, agree upon the facts, or any of the facts involved therein, which stipulation shall be regarded and used as evidence at such hearing, investigation or other proceeding. It is desirable that the facts be thus agreed upon whenever practicable. The Commission may, nevertheless, require such additional evidence or information as it may deem necessary, and as may be authorized by law.

RULE 17.

Dismissal for Failure to Prosecute Complaint.

Whenever the complainant in any case refuses or neglects to furnish the Commission with additional information, or to perform any act regarded by the Commission as necessary or desirable for the proper and further elucidation, investigation or prosecution of the case, for a period of fifteen days after being requested so to do, the Commission may forthwith dismiss the case, unless in its opinion it is of sufficient public interest and concern to demand its further prosecution and determination, in which event subsequent proceedings may be conducted as if the case had been instituted by the Commission.

RULE 18.

Subpoenas.

All subpoenas issued by the Commission shall be under the seal of the Commission, signed by a Commissioner or the Secretary of the Commission.

RULE 19.**Depositions.**

The testimony of any aged, infirm, going or non-resident witness may be taken by deposition at the instance of a party to any proceeding or investigation before the Commission. The Commission may order the testimony of any such witness to be taken by deposition in any proceeding or investigation pending before it, at any stage of such proceeding or investigation. Such deposition may be taken before any Notary Public, or any other person authorized to administer an oath, as provided by the laws of this Commonwealth, not being counsel or attorney to any of the parties, or otherwise interested in the proceeding or investigation. The same notice of taking depositions that is required by the Pennsylvania Equity Rules in taking depositions in civil cases must be given, in writing, by the party or his attorney proposing to take such deposition, to the opposite party or attorney of record, which notice shall state the name of the witness, and the time and place of the taking of his deposition, and like notice shall also be given the Secretary of the Commission. Provided, however, that not less than forty-eight hours notice shall be given in any case.

Every person whose deposition is taken shall be sworn or affirmed and the testimony shall be reduced to writing or typewriting by the officer taking the deposition, or under his direction, and shall be subscribed by the witness and attested by said officer.

RULE 20.**Briefs.**

Upon all contested hearings, unless otherwise specially ordered, printed briefs containing legal arguments and citations of cases relied upon shall be filed on behalf of the parties. They shall contain an abstract of the evidence relied upon by the party filing the same, and, in such abstract, reference shall be made to the pages of the notes of testimony where the evidence appears. The abstracts of the evidence shall follow the statement of the case and precede the argument. Briefs shall be filed with the Commission and served upon the adverse party or parties by the complainant, within fifteen days after the receipt of copy of the testimony where the same is ordered, otherwise, after the same has been concluded, and by the other party or parties, within ten days after receipt of complainant's brief, and the complainant shall have five days additional time for reply. Different times may be specially ordered in any case. Ten copies of each brief shall be filed for the use of the Commission with the Secretary, and shall be accompanied by advice of the date and manner of service upon the adverse party. At least three copies

shall in each case be served upon the adverse party or parties. Briefs and other papers shall be printed and shall be nine (9) inches long and six (6) inches wide, with a margin of not less than one (1) inch, except in special cases, when, in the opinion of the Commission printing is impracticable, upon special order they may be typewritten.

RULE 21.

Service and Effect of Orders.

The manner of service, and effect of orders of the Commission, shall be as specifically prescribed by The Public Service Company Law.

RULE 22.

Financial Condition. Term as used in these Rules Defined.

Whenever a corporation, subject to The Public Service Company Law, is required or called upon to disclose its financial condition, such financial condition shall be given, so far as practicable, in appropriate schedules annexed to, and referred to, and properly designated in, the petition. Such schedules shall show the following:

1. Date of incorporation and under what law or laws.
2. Amount and kinds of stock authorized.
3. Amount and kinds of stock issued.
4. Terms of preference of all preferred stock.
5. Brief description of each mortgage upon property of the corporation, giving date of execution, name of trustee, amount of indebtedness authorized to be secured thereby, and amount of indebtedness actually secured and outstanding, and brief description of the mortgaged property or collateral.
6. Number and amount of bonds authorized and issued, describing each class separately, giving date of issue, par value, rate of interest, date of maturity, and how secured.
7. Other indebtedness of all kinds, giving same by classes and describing security, if any.
8. Amount of interest paid during previous fiscal year, and rate thereof, and if different rates were paid, amount paid at each rate.
9. Amount of dividends paid during previous fiscal year, and rate thereof, and statement of the Profit and Loss Account for the last five years previous to the filing of such statement.
10. Classified statement of earnings and expenditures for the previous fiscal year, and balance sheet showing condition at close of the year, and such additional information as the Commission may at any time require.

RULE 23.

Applications.—General Requirements.

All applications must be by petition, in writing, signed and duly verified by the applicant, and shall in all respects conform to the specific requirements of the rules governing any particular application.

The petition must set forth the name and post office address of the applicant, and must show the name and address of its attorney, if any, and must contain a clear statement of the facts on which the application is based, with a request for the finding, determination, order, approval or certificate desired, and a reference to the particular provision of the law requiring or providing for the same.

Three copies of the petition shall be filed with the original.

The petition must contain such further statements as may be required by any provision of law, or of these rules, and must show in detail compliance therewith.

If maps, profiles or plans are filed with the petition, they must always be filed in triplicate, and one copy thereof shall be on tracing linen, unless waived by the Commission.

Whenever, under any of these rules, any map, profile, plan, certificate, statement or other document is required to be filed with a petition, and the same has theretofore been filed with the Commission, the petition may state the fact of such filing, with the date and the proceeding in which, or occasion on which, the filing was made.

RULE 24.

Application by a proposed public service company for approval of incorporation and of beginning of the exercise of any right, power, franchise or privilege under Article 3, Sections 2 (a) and (b), and Article V, Sections 18 and 19, of The Public Service Company Law.

Applications made to the Commission by any proposed public service company for a certificate of public convenience evidencing the Commission's approval of the incorporation, organization or creation of such company, and of the beginning of the exercise of any right, power, franchise or privilege under Article 3, Section 2, (a) and (b), and Article 5, Sections 18 and 19 of The Public Service Company Law, shall be by petition duly verified by the petitioner, and said petition shall, in addition to the requirements of Rule 23, contain and embrace as part thereof—

- (1) A certified copy of the certificate of incorporation.
- (2) A certified copy of the right, power, franchise or privilege under any ordinance, municipal contract or otherwise.
- (3) The financial condition of the applicant as defined in Rule 22.

- (4) The manner in which it proposes to finance the proposed exercise of the right, power, franchise or privilege.
- (5) The nature and character of the service, a detailed description of the locality to be served, and maps and profiles showing the streets, avenues and all other places, locations and property in or upon or along which it is proposed to exercise such right, power, franchise or privilege.
- (6) The name and location of the principal office, plant and facilities of every public service company with which the proposed company may compete.
- (7) A detailed statement of the facts relied upon by the petitioner to show that the proposed incorporation or beginning of the exercise of the right, power, franchise or privilege, is necessary and proper for the service, accommodation, convenience or safety of the public.
- (8) An affidavit of at least two directors that it is the intention of the applicant to begin providing service within a time specified.
- (9) A certificate from the Secretary of the Commonwealth to the effect that all existing laws relative to the incorporation, organization and creation of such proposed public service company, have been complied with.
- (10) The facts showing that the approval applied for is necessary or proper for the service, accommodation, convenience or safety of the public.

RULE 25.

Application by a Municipal Corporation for a Certificate of Public Convenience, under Article III, Section 3-(d), and Article V, Sections 18, 19, of The Public Service Company Law.

Application by a municipal corporation for a Certificate of Public Convenience, under Article III, §3-(d) and Article V, §§18, 19, of The Public Service Company Law, to acquire, construct, or to begin to operate any plant, equipment or other facilities for the rendering or furnishing to the public of any service of the kind or character already being rendered or furnished by any public service company within the municipality, shall be duly verified by the petitioner and shall, in addition to the applicable requirements of Rule 24, contain or embrace as part thereof:

1. The name and location of the principal office and plant, equipment or facilities of every public service company rendering like service within the municipality.
2. The names of the executive officers of such public service company, or companies.

3. A general statement of the amount and character of service rendered within such municipality by such public service company or companies.

4. A description, accompanied by maps, profiles, etc., of the plant, equipment, or other facilities proposed to be acquired, constructed or operated.

5. The manner in which it proposes to pay for, or finance the acquisition, construction and operation of the proposed plant, equipment or other facilities.

6. The facts showing that the approval applied for is necessary or proper for the service, accommodation, convenience or safety of the public.

7. The name of each and every corporation with which the proposed exercise of the right, power, franchise or privilege may compete.

RULE 26.

Application by a Public Service Company for a Certificate of Public Convenience, under Article III, § 3 (a), and Article V, §§ 18, 19, of The Public Service Company Law, to Renew its Charter or Obtain any Additional Rights, Powers, Franchises or Privileges, by any Amendment or Supplement to its Charter or Otherwise.

When application is made by any public service company for a Certificate of Public Convenience, under Article III, §3-(a), and Article V, §§ 18, and 19, of The Public Service Company Law, to renew its charter, or obtain any additional rights, powers, franchises or privileges, by any amendment or supplement to its charter, or otherwise, the petition shall, in addition to the requirements of Rule 24, contain and embrace as part thereof:

1. A certified copy of the charter, and all amendments or supplements thereto, of the applicant, if one has not theretofore been filed with the Commission, and a reference to the statute or statutes under which said company has been incorporated, with date of incorporation.

2. If the additional right, power, franchise or privilege is proposed to be obtained by any amendment or supplement to its charter, a certificate from the Secretary of the Commonwealth to the effect that all existing laws relative to such amendment or supplement to its charter have been complied with.

3. If the additional right, power, franchise or privilege is proposed to be obtained otherwise than by amendment or supplement to the charter of the public service company, a certificate from the

proper municipal or other governmental authority to the effect that existing laws, ordinances, or other governmental requirements have been complied with.

4. The facts showing that the approval applied for is necessary or proper for the service, accommodation, convenience or safety of the public.

RULE 27.

Application by a Foreign Public Service Company for a Certificate of Public Convenience, under Article III, Section 3-(b), and Article V, Sections 18 and 19, of The Public Service Company Law, to obtain the Right to do Business within this Commonwealth.

When application is made by a foreign public service company for a Certificate of Public Convenience, under Article III, §3-(b), and Article V, §§ 18 and 19 of The Public Service Company Law, to authorize such foreign public service company to do business within this Commonwealth, the petition shall contain and embrace as part thereof all the requirements of Rules 22, 23, and 24.

RULE 28.

Applications by a Public Service Company for a Certificate of Public Convenience, under Article III, §3-(c), and Article V, §§18 and 19, of The Public Service Company Law, to Sell, Assign, Transfer, Lease, Consolidate or Merge its Property, Powers, Franchises or Privileges, or any of them, to or with any other Corporation or Person.

When application is made by a public service company for a Certificate of Public Convenience, under Article III, §3-(c) and Article V, §§ 18 and 19 of The Public Service Company Law, to sell, assign, transfer, lease, consolidate or merge its property, rights, franchises or privileges, or any of them, to or with any other corporation or person, the petition shall, in addition to the requirements of Rule 24, contain and embrace as part thereof:

1. A certified copy of the charter, with all amendments and supplements thereto, of each corporation party to the transaction, or affected thereby, if not theretofore filed with the Commission, and a reference to the statute or statutes under which such corporations have been incorporated, and dates of incorporation.

2. The financial condition of the applicant and each corporation party to the transaction, as such financial condition is defined in Rule 22, and a statement of the manner in which the proposed consolidated corporation is to be capitalized and financed.

3. In detail, the reasons upon the part of each applicant for making the proposed sale, assignment, transfer lease, consolidation or merger, and the facts showing that the transaction, the approval

of which is sought, is necessary or proper for the service, accommodation, convenience or safety of the public, and all other facts which should be known by the Commission, to enable it to pass upon the application. Such petition shall be joined in by all the parties to the proposed transaction.

4. The originals of all contracts of sale, assignment, lease, consolidation or merger, and of all other writings or documents which form a part of, or in any manner affect, the proposed transaction, together with one copy, certified by the parties thereto, of each of such contracts, writings, or documents, and a copy of any and all franchises or privileges that may be involved in such transaction, certified to be such by the proper governmental authorities granting the same.

RULE 29.

Applications for Certificate of Public Convenience to Purchase, Acquire, Take or Hold, in Absolute Ownership or in Pledge, a Controlling Right, Title or Interest in another Public Service Company, under Article III, §6-(c), and Article V, §§18 and 19, of The Public Service Company Law.

When application is made by any public service company for a Certificate of Public Convenience to purchase, acquire, take or hold, either in absolute ownership or in pledge, a controlling right, title or interest in any other public service company, under Article III, §6-(c), and Article V, §§ 18 and 19 of The Public Service Company Law, the petition must be made by the public service company proposing to purchase, acquire take or hold, and must, in addition to the requirements of Rule 24, contain and embrace as part thereof:

1. The financial condition (defined in Rule 22) of the applicant and of the corporation, the purchase, acquisition, taking or holding of the controlling right, title or interest in which the approval of the Commission is sought.

2. The reasons why the applicant desires to purchase, acquire, take or hold the controlling right, title or interest, and the amount of the stock or securities, or the nature and extent of the right in such other public service company already owned or held by the applicant, if any.

3. The price proposed to be paid for such controlling right, title or interest, the terms and manner of payment, the market value of the stock or other securities representing such controlling right, title or interest, and the highest and lowest price for which such stock or other securities sold during the period of at least one year immediately prior to the application, together with the dividends or income thereon, if any, paid for a period of five years immediately prior to such application.

RULE 30.

Long and Short Transmission of Telegraph and Telephone Messages.

When application is made by a telegraph or telephone company for a Certificate of Public Convenience to charge less for a longer than for a shorter distance service for the transmission of messages or conversations over the same line or route, in the same direction, under the provisions of Article III, §10, and Article V, §§18 and 19, of The Public Service Company Law, the petition, in addition to the requirements of Rule 23 must contain and embrace as part thereof:

1. Such facts in connection with the matter and the reasons for the desired relief as may be relied upon by the applicant as justifying such relief.

2. Such schedules or data, if any, as the Commission's applicable orders or instructions may from time to time specify.

RULE 31.

Application under Article II, §1-(d), of The Public Service Company Law for Restriction of the Number and Character of Tariffs and Schedules, and number of Offices or Stations at which such Tariffs and Schedules are required to be Posted.

When application is made to the Commission for permission to limit and restrict the number and character of tariffs and schedules and the number of offices or stations at which the same are required to be posted, under Article II, §1-(d) of The Public Service Company Law, the petition shall, in addition to the requirements of Rule 23, contain and embrace as part thereof:

A statement in detail of the reasons which, in the view of the applicant, warrant the granting by the Commission of the relief applied for, and such other facts, data and information in connection with the matter, as may be specified from time to time in the Commission's orders or instructions.

RULE 32.

Application for Permission to make Changes in Tariffs or Schedules, upon less than Thirty Days' Notice, under Article II, §1-(f), of The Public Service Company Law.

When application is made by a public service company under Article II, §1-(f) of The Public Service Company Law, for allowance of changes in tariffs or schedules upon less than thirty days' notice to the Commission and to the public, posted and published in the manner, form and places required, with respect to the original tariffs or schedules, the petition shall, in addition to the requirements of Rule 23, contain and embrace as part thereof:

A detailed statement of all the facts, circumstances and conditions relied upon by the petitioner to warrant the granting by the Commission of the allowance applied for.

RULE 33.

Applications for Certificate of Public Convenience for the Construction, Alteration, Relocation or Abolition of any Crossing at Grade, or Above or Below Grade, under Article III, §5, Article V, §§12, 18 and 19, of The Public Service Company Law.

When application is made for a Certificate of Public Convenience, under the provisions of Article III, §5, and Article V, §§12, 18 and 19 of The Public Service Company Law, for the construction, alteration, relocation or abolition of any crossing at grade, or above, or below, grade,

1. Of public roads, highways or streets by railroads or street railways; or
2. Of railroads or street railways by public roads, highways or streets; or
3. Of railroads or street railways by railroads or street railways; or
4. Of the facilities of one public service company by those of another—the petition shall, in addition to the requirements of Rule 23, contain and embrace as part thereof:

1. If the application be for a Certificate of Public Convenience for the construction, alteration or relocation of such a crossing, map on scale of not less than 200 feet per inch, showing correctly the location of all tracks, buildings, structures, property lines, streets and roads in the vicinity of the proposed construction, alteration or relocation, or which may be, in any manner, affected thereby, and also complete plans and specifications of such proposed construction, alteration or relocation.

2. Profiles showing ground lines and proposed grade lines of approaches on such public roads, highways or streets, railroads or street railways, as may be affected by the proposed construction, alteration or relocation.

In case of a contemplated crossing of a railroad by a railroad, the profile of such railroads shall show the customary information for not less than one mile on each side of the proposed crossing.

3. If the application be for the construction of a crossing at grade, such facts, data and estimates of cost, or other facts and data relied upon by the applicant to necessitate or warrant the granting of permission to construct such crossing at grade, together with a detailed and accurate description of such safety devices, safeguards and other protective means, if any, as the applicant may believe

should be installed, with detailed information concerning the same, and if the application be made by a public service company the application shall set forth also, a specification of the proposed method of operating such crossing at grade, if permission to construct the same be granted.

With the petition to construct a crossing at grade shall be filed the maps and profiles, plans and specifications, above specified in this rule, and all other data and information which may be specified from time to time in the Commission's general orders or instructions, or which may be required in connection with any particular application.

4. If the application be for the abolition of such a crossing at grade, the petition, in addition to the above stated requirements, shall contain and embrace as part thereof:

An estimate of the cost and expense, including compensation to the owners of adjacent property affected, together with all facts, data and information upon which such estimate is based.

5. A statement of the facts relied upon by the petitioner to show that the construction, alteration, relocation or abolition of any such crossing is practicable and necessary or proper for the service, accommodation, safety or convenience of the public, shall be set forth in every such petition.

RULE 34.

Petitions for Reparation Under Article V, §5, of The Public Service Company Law.

Application by any shipper, consumer, user or patron, for an order for reparation as against any public service company, under Article V, §5, of The Public Service Company Law, shall be by petition, which, in addition to the requirements of Rule 23, shall contain and embrace as part thereof:

Such facts in connection with the matter as may give the necessary information or as may be prescribed from time to time in the Commission's orders or instructions.

RULE 35.

Applications for Certificate of Valuation in Connection with the Proposed Issue of Stocks, Trust Certificates, Bonds, Notes or Other Evidences of Indebtedness, or other Securities, under Article III, §4-(a), of The Public Service Company Law.

When application is made for a Certificate of Valuation, in connection with the proposed issue of any stocks, trust certificates, bonds, notes or other evidences of indebtedness, or other securities, under Article III, §4, (a) of The Public Service Company Law, the petition shall, in addition to the requirements of Rule 23 contain and embrace as part thereof:

The statement of facts, data and information required by Article III, §4-(b) of the Public Service Company Law, to be shown in certificates of Notification. Such petition shall contain such additional facts, data and information as the Commission shall, from time to time, determine and prescribe, and shall be signed and verified by the affidavit of the treasurer, auditor, controller or other acting fiscal head of the petitioning public service company.

RULE 36.

Petitions or Applications for the Approval of Contracts between Municipal Corporations and Public Service Companies, or for a Declaration by the Commission of the Terms and Conditions upon which it will grant its approval of such Contracts, if at all, under Article III, §11, and Article V, §§18 and 19, of The Public Service Company Law—and Hearings Thereon.

1. Applications for the approval of contracts between municipal corporations and public service companies, under Article III, §11, and Article V, §§ 18 and 19 of The Public Service Company Law, shall be by petition for a Certificate of Public Convenience, which petition, in addition to the requirements of Rule 23, shall set forth the facts relied upon by the petitioner to show that the granting of such Certificate of Public Convenience is necessary or proper for the service, accommodation, convenience or safety of the public.

Said petition shall be accompanied:

(a) By the original contract, the approval of which is applied for, executed by the parties thereto.

(b) By a true and correct copy of such original contract, certified by the parties thereto.

(c) Ten additional true and correct copies of such contract.

2. Applications, before the consent of the local authorities has been obtained, for a declaration by the Commission of the terms and conditions upon which it will grant its approval of a contract between a municipal corporation and a public service company, if at all, under Article III, §11, of The Public Service Company Law, shall be by petition, which, in addition to the requirements of Rule 23, shall set forth the facts relied upon by the petitioner to show that the granting of a Certificate of Public Convenience, upon an application therefor, is necessary or proper for the service, accommodation, convenience or safety of the public.

Said petition shall be accompanied by ten true and correct copies of the proposed ordinance which the applicant proposes to accept as evidencing the proposed contract between such applicant and a municipal corporation, or shall be accompanied by the contract proposed by the applicant and also by the municipal corporation, to be made by and between them, however evidenced, and containing

all the terms, stipulations and conditions thereof, and shall be further accompanied by a copy of the notice of such application required by Article III, §11, of The Public Service Company Law to be given to the local authorities concerned, with proof of service of such notice. Such notice shall specify the date upon which such application to the Commission is to be made by the public service company.

3. All such contracts submitted to the Commission for approval shall contain the following provision:

“It is hereby understood and agreed that neither the purpose nor intent, nor the obligation of this contract, if and when approved by the Public Service Commission of the Commonwealth of Pennsylvania, is such as, to impair or in any wise affect the exercise by said Commission of any of the powers vested in it by the Public Service Company Law, approved July 26, 1913.”

4. Upon the filing of the petition for the approval of the contracts between municipal corporations and public service companies, or upon petition for a declaration by the Commission of the terms and conditions upon which it will grant its approval of such contracts, if at all, under Article III, §11, of The Public Service Company Law, and under this rule, the Commission will fix a time and place of hearing, which shall be public, and of which due notice, in the form prescribed below, shall be given by the applicant, by publication, once a week, for two weeks, the last of which publication shall be at least five days preceding the date of hearing, in a newspaper of general circulation, published in the municipality in which the contract is to be effective, and, in the event that no such newspaper is published in that municipality, then in such newspaper published at the county seat of the county in which the municipality is situate.

FORM OF NOTICE TO BE PUBLISHED.

Notice is hereby given that application will be made to the Public Service Commission of the Commonwealth of Pennsylvania for the approval of a contract.....
between

(Name of Municipal Corporation.)

and

(Name of Public Service Company.)

for

(Here briefly specify substance of contract.)

.....
.....
.....
.....
.....

the hearing on which will be held in the rooms of the Commission at
Harrisburg, on the.....day of.....
 (Day.) (Month.) (Year.)
at.....when and where all persons in in-
 (Hour.)
terest may appear and be heard if they so desire.

RULE 37.

Other Applications.

All applications relating to matters over which the Commission has jurisdiction, and which are not governed by any of the preceding rules, shall be made by petition and shall conform to the requirements of Rule 23, and such other rules and regulations as the Commission may, from time to time, prescribe.

RULE 38.

Practice and Procedure on Petitions—General.

Upon the filing of any petition required by these rules, the Commission will examine the same to see whether it establishes a prima facie case for action on the part of the Commission, and conforms to the provisions of The Public Service Company Law and these rules. If the petition fails in any of these respects, the Commission will give notice of the defects to the applicant, who may correct the same.

If the petition be found to establish a prima facie case for action and to comply with the provisions of The Public Service Company Law and with these rules, the Commission may appoint a time and place for a hearing on the same, as may be required by law.

The Commission will, by general rule or order, or by special rule or order, in each case, direct what notice of the hearings shall be given by publication, or otherwise.

All hearings shall be public and at or before the hearing the applicant, or petitioner, shall present due proof of the publication or service of the notice thereof, in the manner prescribed by the Commission. At the hearing the applicant, or petitioner, must be prepared to establish all the facts alleged in the petition by evidence, but the Commission may, in its discretion, where authorized by law, in any case so to do, grant the application upon the petition and accompanying papers.

The applicant must furnish for the use of the Commission, in reaching a determination upon any application, the originals, or certified or verified copies, of all books, papers and documents, as the Commission may require. The failure so to do shall be ground for refusing the application.

RULE 39.**Compliance with Orders.**

Upon the issuance by the Commission of an order against any public service company or companies, such public service company or companies must promptly, upon compliance with its requirements, notify the Secretary that action has been taken, in conformity with the order, and when a change in rates is ordered by the Commission, such notice must be given in addition to the filing and posting of a tariff or schedule, or supplement thereto, showing such change in rates.

MAR 17

Date Due

Pennsylvania. Public
service commission.

Pa. Document
39.1.4
no.2

Rules of practice.

DATE

ISSUED TO

MAR 17

Paul Cunningham

Pa. Document

39.1.4

No. 2.

